

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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THE STATE OF NEW YORK,

Plaintiff,

DECISION AND ORDER

05-CV-6606L

v.

EASTMAN KODAK CO., BAUSCH & LOMB, INC.,  
XEROX CORP., E.I. DUPONT DE NEMOURS & CO.,  
ROCHESTER GAS & ELECTRIC CO., CHLORIDE  
POWER ELECTRONICS, INC., on behalf of its former  
division, CHLORIDE ELECTRO NETWORK, BASTIAN  
BROS. CO., LUSTER COATE METALIZING CORP.,  
THE UNIVERSITY OF ROCHESTER, and  
MONROE COUNTY,

Defendants.

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The matter is before the Court for approval of a Consent Decree, which has been agreed upon by the parties in full settlement of an action brought by the State of New York to recover a portion of the costs incurred in the remediation of an 18 acre hazardous waste site located on Scottsville Road, Rochester, New York, known as the Fire Academy. After due consideration, I approve the settlement and the Consent Decree which was filed January 4, 2008 (Dkt. #4). Plaintiff's counsel's letter-memorandum (Dkt. #5) summarizes the history of the litigation and the basis for the parties' request that the Court approve the settlement in the amount of \$1,575,000. For the reasons advanced in that letter-memorandum, on the facts and the law, I find the settlement and the Consent Decree

to be fair, reasonable and consistent with the purposes of the federal statute, The Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601 *et seq.*

CONCLUSION

I approve the settlement as memorialized in the Consent Decree (Dkt. #4) filed January 4, 2008. The complaint is dismissed with prejudice, each party to bear its own costs, expenses and attorneys' fees. Upon application, plaintiff may reinstate the complaint if defendants fail to comply with the terms of the settlement.

IT IS SO ORDERED.

  
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DAVID G. LARIMER  
United States District Judge

Dated: Rochester, New York  
January 4, 2008.